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October 21, 2003

VIA COURIER

RECEIVED

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
c/o Natek, Inc.
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002
Attn: Julie Veach

OCT 21 2003

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RE: DSLnet Communications, LLC and VantagePoint Venture Partners
Docket No. WC-03-214

Dear Ms. Veach:

DSLnet Communications, LLC ("DSLnet"), through undersigned counsel hereby responds to your informal inquiry and provides the following additional information regarding Applicants' request for streamlined treatment in the above-captioned Application.

Commission Rule 63.03(b)(2), 47 C.F.R. § 63.03(b)(2), states: "Where a proposed transaction would result in a transferee having a market share in the interstate, interexchange market of less than 10 percent, and the transferee would provide competitive telephone exchange services or exchange access services (if at all) exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the transaction, the streamlined procedures provided in this rule shall be presumed to apply to transfer of control applications in which . . . (i) neither of the applicants is dominant with respect to any service. . . ."

Furthermore, Commission Rule 63.03(b)(3), 47 C.F.R. § 63.03(b)(3) states that for the purposes of Section (b)(2), the terms "applicant," "carrier," "party," and "transferee" include any affiliates of such entities within the meaning of Section (3)(1) of the Communications Act of 1934 ("Act"). Section (3)(1) of the Act, in turn, states that the term "affiliate" means a person that (directly or indirectly) owns or controls, or owned or controlled by or is under common

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ownership or control with another person where the term "own" means to own an equity interest of more than ten percent

Currently, DSLnet Communications, LLC holds less than 10 percent of the interstate, interexchange market and provides competitive telephone exchange services or exchange access services (to the extent such services are provided) only in geographic areas service by dominant local exchange carriers. Neither of the Applicants, DSLnet and VantagePoint Venture Partners ("VPVP"), is currently affiliated (as that term is defined in Section (3)(1) of the Act) with a dominant carrier.

As set forth in Section V (h) of the Application, after the proposed transaction is completed, the only other entity (besides VPVP) that will own more than 10 percent of DSLnet is Deutsche Bank AG ("Deutsche Bank"). After inquiry, Deutsche Bank has confirmed that no entity owns more than 10% of Deutsche Bank and that Deutsche Bank does not own more than 10% of any dominant U.S. (or foreign) carrier. As a result, Deutsche Bank is not "affiliated" with any dominant U.S. carrier.

Accordingly, based on the foregoing, Applicants respectfully submit that because neither the current owners of DSLnet, nor Deutsche Bank is affiliated with a dominant U.S. carrier, the proposed transaction cannot cause DSLnet to become affiliated with a dominant U.S. carrier. Accordingly, because no party, transferee or applicant in the above-captioned Application is "affiliated" with a dominant U.S. carrier, Applicants further submit that the Application should be presumptively eligible for streamlined treatment pursuant to Section 63.03(b)(2) of the Commission's Rules.

An original and three (3) copies of this letter are enclosed. Please date-stamp and return the enclosed extra copy. Questions regarding this filing may be directed to the undersigned at (202) 945-6997.

Respectfully Submitted,

The block contains two handwritten signatures in black ink. The signature on the left is for Richard M. Rindler, and the signature on the right is for Edward S. Quill, Jr. Both signatures are stylized and cursive.

Richard M. Rindler
Edward S. Quill, Jr.